



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

**MICHAEL A. CARDOZO**  
*Corporation Counsel*

**GABRIEL P. HARVIS**  
Assistant Corporation Counsel  
Phone: (212) 788-1816  
Fax: (212) 788-9776  
gharvis@law.nyc.gov

April 7, 2010

**BY ECF**

Honorable Brian M. Cogan  
United States District Judge  
United States Courthouse  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Ernst Solon v. City of New York, et al.  
09 CV 4388 (BMC)

Your Honor:

I represent the defendants in the above-referenced matter. The parties in this action have reached a settlement agreement. To that end, I respectfully enclose the executed Stipulation and Order of Settlement and Dismissal for Your Honor's signature and filing.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/

Gabriel P. Harvis  
Assistant Corporation Counsel

Encl.

cc: Brett Klein, Esq. (by ECF)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X  
ERNST SOLON,

Plaintiff,

-against-

**STIPULATION AND  
ORDER OF  
SETTLEMENT AND  
DISMISSAL**

09 CV 4388 (BMC)

CITY OF NEW YORK, CHRISTOPHER CARRERO,  
SCOTT GIACONNA, JOHN VANORDEN, JAMES  
MAHONEY, BRIAN BROWN and JOHN and JANE DOE  
1 through 10, individually and in their official capacities,  
(the names John and Jane Doe being fictitious, as the true  
names are presently unknown),

Defendants.  
----- X

**WHEREAS**, plaintiff commenced this action by filing a complaint on or about  
October 13, 2009, alleging violations of his federal and state rights; and

**WHEREAS**, filed an amended complaint on or about January 15, 2010; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's  
allegations; and

**WHEREAS**, the parties now desire to resolve the remaining issues raised in this  
litigation, without further proceedings and without admitting any fault or liability; and

**WHEREAS**, plaintiff has authorized his counsel to settle this matter on the terms  
set forth below;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by  
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and  
without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff, Ernst Solon, One Hundred Twenty Five Thousand Dollars (\$125,000.00) in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against the defendants and to release defendants City of New York, Christopher Carrero, Scott Giaconna, John Vanorden, James Mahoney, Brian Brown and any present or former officials, employees, representatives and/or agents of the City of New York or any agency thereof, from any and all liability, claims, or rights of action that were or could have been alleged in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to the defendant's attorney all documents necessary to effect this settlement, including, without limitation, General Releases based on the terms of paragraph "2" above and Plaintiff's Affidavit of Status of Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

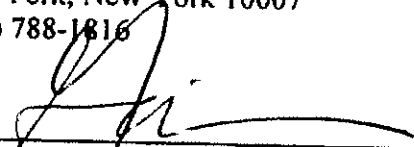
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
April 7, 2010

LEVENTHAL & KLEIN, LLP  
*Attorneys for Plaintiff*  
45 Main St., Suite 820 230  
Brooklyn, New York 11201  
(718) 722-4100

By:   
BRETT KLEIN

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
*Attorney for Defendants*  
100 Church Street, 3-193  
New York, New York 10007  
(212) 788-1816

By:   
GABRIEL HARVIS  
Assistant Corporation Counsel

SO ORDERED:

\_\_\_\_\_  
U.S.D.J.